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**SENATE BILL 1317**  
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**DINÉ JUSTICE CTR**  
The Western Navajo Diné Justice Center celebrated their grand opening with hundreds of officials and community members, page 11.

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# ATIIN BA HANÉ

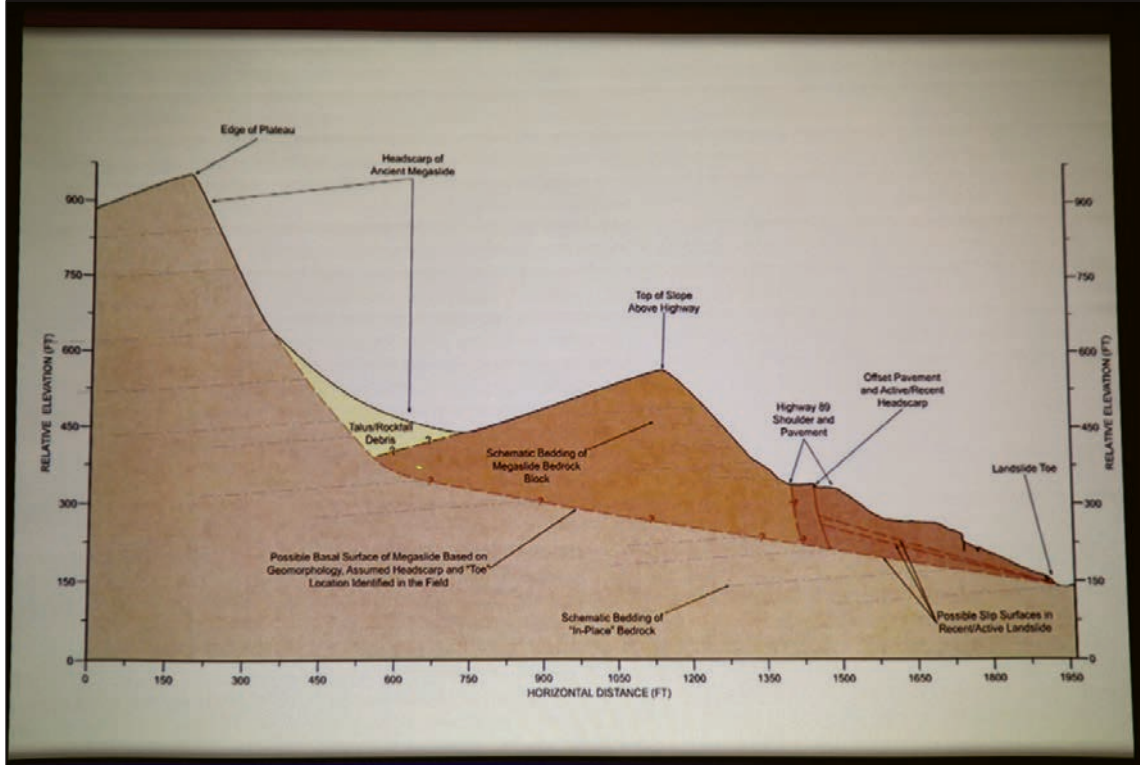
ROAD NEWS

APRIL 2013

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## ADOT Bodaway-Gap Chapter update



During the Arizona Department of Transportation presentation to the Bodaway-Gap Chapter on April 1, the slide show included this graphic illustration of the dry slide that occurred on Feb. 20, 2013. U.S. 89 repairs are contingent upon geotechnical data collection currently being conducted by ADOT.

**BODAWAY GAP**-The chapter house was packed to capacity and many stood along the walls and in the doorway, for a chance to listen in on the discussions for paving Navajo Route 20 as an interim detour route as U.S. 89 is repaired.

Officials from the Navajo Division of Transportation, Bureau of Indian Affairs, Arizona Department of Transportation, Coconino County and Federal Highway Administration were in attendance.

Chapter officials from Bodaway-Gap, Coppermine and LeChee facilitated the dialogue on the ramifications of the road closure on U.S. 89.

U.S. 89 was closed to traffic on Feb. 20, 2013, after a dry slide occurred and damaged the roadway. ADOT rerouted traffic east on U.S. 160 and then north on State Road 98 for travelers headed to Page.

Since the road closure, several meetings have been held in an effort to get a grip on repairing the damaged roadway and paving N20 as a temporary detour to alleviate the extra 100 mile drive for the current alternative route.

Officials from all agencies sat facing each other “for a round table discussion, meaningful dialogue and exchange of ideas,” said Floyd Stevens, president of Coppermine Chapter.

Paulson Chaco, director for NDOT, spoke first and said ADOT has the lead role in the project.

“NDOT and BIA are just helping,” Chaco said. “We’re working with the right-of-way for ADOT. They want to pave quickly but there’s no right-of-way in place.”

He said President Shelly made it a priority for NDOT to assist ADOT in the development of N20 paving efforts during his visit to the chapter on Feb. 24.

Robert Samour, senior deputy state engineer for ADOT, shared a PowerPoint presentation on the restoration of U.S. 89 and the **SEE Bodaway on page 16**

### N20 CONSTRUCTION TIMELINE

ADOT Selects Consultant:  
March 22nd

Request for Survey:  
March 25th – March 29th

Notice to Proceed for Survey:  
April 1st

ADOT submits Scoping Report:  
April 1st

Archaeology & Environmental:  
April 1st – April 22nd

ADOT submits Temporary  
Easement Package:  
April 22nd

SAS Reviewers Meet &  
Approve:  
April 23rd

5-Day Public Comment Period:  
April 24th – April 29th

RDC Action on Easement:  
April 30th

Contractor Mobilizes to Site:  
May 1st

N20 Detour Open for Traffic:  
Summer 2013

*All stories, photos, designs, desktop publishing by RICK ABASTA, except where noted.*



Yá'at'ééh!

Welcome to our second issue of *Atiin Ba Hané*.

Much has happened since our inaugural issue and we continue the Navajo Division of Transportation mission of serving the Navajo Nation by providing a safe transportation infrastructure through innovation and partnerships.

We recently extended one partnership with San Juan County through a memorandum of understanding to provide road maintenance and construction on roads within county and reservation boundaries. The MOU provides the framework necessary to craft intergovernmental agreements that specify exact work to be performed by both entities.

These types of cooperative efforts have produced quantifiable results through completed road projects, because as most tribal divisions know, leveraging your funding can make all the difference in the world. We work with the Bureau of Indian Affairs, counties and Navajo Nation chapters to bring many of our projects to completion.

In Feb., a dry slide occurred on U.S. 89 and damaged the roadway while forever changing the lives of residents in the local area. We are fastidiously working with the Arizona Department of Transportation, BIA, Coconino County, and the Federal Highway Administration to restore essential traffic.

School kids have to deal with long, bumpy bus rides to school. School districts must deal with constant repairs on damaged buses from driving washboard dirt roads to get kids to school. Navajo vendors that once enjoyed independence and job security from

their art must now find other means to support themselves as tourists steer away from the damaged road on U.S. 89.



We have held many meetings regarding this pressing issue and we are collaborating on the efforts to pave Navajo Route 20 as an interim detour. We have many stories in this issue dedicated to the road closure on U.S. 89 and the efforts to pave N20. I promise you that Navajo DOT is not taking this matter lightly and we are doing our best to be a part of the solution.

The past few months have also seen the passage of Senate bills in both Arizona and New Mexico, both pieces of legislation aimed at improving our tribal transportation system. We continue our work and close contact with our state legislators to provide the best services to our Navajo people.

We have also strengthened our relationship with our legislative oversight committees on the Navajo Nation Council: the Resources and Development Committee and the Naa'bik'iyati' Committee. NDOT reports to these bodies to provide updates and solutions to challenges facing the Navajo Nation with regard to transportation.

We welcome your input and suggestions. Please don't hesitate to contact our offices for any transportation issues that may affect your respective communities. We are here to preserve and enhance transportation throughout Dine' bi keyah.

Respectfully,

**Paulson Chaco**  
Division Director  
NAVAJO DOT



**BAÁHÁÁLÍ CHAPTER**

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Happy New Year Arlando:

Dave came by our chapter house this morning; he completed PineTree Wash Road & Tiger Lane. He and his co-worker also completed Umbrella Canyon Road which I forgot to include, along with Tsosie Drive & Bitter Spring Drive, in my request on Monday. Dave and his crew member were also going to plow the road to Bread Spring's Day School; this is a BIA road and had not been plowed since the first snowfall before Christmas.

On behalf of our chapter leadership and community members, I would like to express our biggest gratitude to your Department in assisting our community with much needed snow plowing this winter. Thank you, Thank you, Thank you!!

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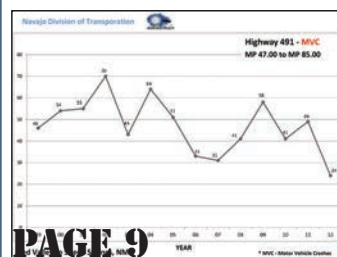
## SENATE BILL 1317

Senator Jack Jackson, Jr. sponsored Senate Bill 1317, which allows tribally-owned airports a seat at the table for funding from the State of Arizona.



## GEOSPATIAL SUMMIT

Sponsored by the Navajo Division of Transportation and AeroMetric, the Navajo Nation Geospatial Summit gave attendees an eye-opening experience with the use of technology.



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## SENATE BILL 600

Senator John Pinto sponsored Senate Bill 600, which proposed a special fuel surtax of one cent to fund construction of U.S. Highway 491, which was named the most dangerous road in New Mexico.



# 'Walking a fine line'

## NDOT-ADOT efforts to pave N20 contingent on FHWA policies



*The members of the Resources and Development Committee listen intently to a report from NDOT, BIA, and ADOT on the proposed paving of N20 as an interim detour route. The March 26 meeting at the Navajo Nation Council Chamber covered the construction timeline, estimated budget, and requirements for a temporary easement and update to the 2006 archaeological and environmental clearance conducted by the BIA.*

WINDOW ROCK-The Navajo Division of Transportation, along with the Bureau of Indian Affairs and Arizona Department of Transportation, reported before the Resources and Development Committee on March 26, to provide an update on Navajo Route 20.

According to ADOT, a dry slide occurred on Feb. 20, around 5:09 a.m., resulting in pavement settlement and disruption of essential traffic through the area of Bitter Springs and Echo Cliffs.

ADOT has equipment onsite, conducting geotechnical analysis for repair of the roadway and is currently working with the Federal Highway Administration for funding of the ultimate repair of U.S. 89 and paving of N20 as an interim detour route.

Paulson Chaco, NDOT

Director, briefed the committee on the proposed efforts to pave N20 to restore essential traffic. He provided a chronology of events via PowerPoint and said ADOT is anticipating opening N20 as a paved detour by summer.

"FHWA is using the Emergency Relief funding and there's certain criteria. No FHWA emergency relief funding can be used to construct new improvements," Chaco said.

Under terms of the FHWA Emergency Relief funding, FHWA is the lead agency and ADOT is the technical agency.

ER funds cannot be used to construct new improvements, he stressed.

Therefore, ADOT will pave the existing alignment on N20, which stretches 45 miles, from Bodaway-Gap to LeChee.

A total of 28 miles of dirt road will be paved. Cost projections for the paving project ranges from \$15 to \$20 million.

ADOT must also apply for a temporary easement for construction. In addition they need to amend the existing 2006 environmental assessment that was conducted by the BIA.

While the communities and tribal officials have cited a number of concerns such as fencing for livestock, drainage improvements, and design speed, ADOT is limited on roadway improvements to qualify for the federal funds.

"When you go back to the intent of the program funding, it's basically only to allow for a temporary detour," Chaco said.

The limited improvements of the roadway will include

left turn lanes at N21, N6210, N201, and N6211. Also limited drainage improvements using pipes at low points.

For quick turnaround time, ADOT will employ Construction Manager At-Risk criteria for the selection of a contractor to pave N20.

Chaco reported another concern NDOT and the BIA have is the Navajo Preference in Employment for the hiring of construction workers for the road.

In order to expedite the process for the temporary easement, NDOT is meeting with tribal departments to review archaeology and environmental components before ADOT submits the temporary easement package to the Navajo Nation on April 22.

Plans are to have an **SEE RDC on page 15**



# SB 1317 allows tribes a seat at the table for aviation funding



*The Window Rock Airport is one of 14 tribally-owned airports that stands to benefit from the passage of Senate Bill 1317, which would allow tribes a seat at the table for state aviation funding. The Navajo Nation owns seven airports, four of which are in Arizona.*

PHOENIX—On March 27, 2013, the House Appropriations Committee convened at the State Capitol and listened to reports on proposed legislation, including Senate Bill 1317, which would allow publically-owned airports on Indian reservations to be eligible for grants from the Arizona Aviation Fund.

Senator Jack Jackson, Jr. (D-Dist. 7) sponsored the legislation that would allow the 14 tribally-owned airports to compete for aviation funding to repair and maintain tribal airports and runways.

“I used to be part owner of an air transport company located on the reservation and we did a lot of medical transports off the reservation,” Jackson said. “I know firsthand the need for improved runways and improved airports as well.”

SB 1317 would allow tribes to compete for funds to improve their airports, he said.

Representative Michelle Ugenti (R-Dist. 23) asked how much money the tribes would be eligible for.

Corinne Nystrom, president of the Arizona Aviation Association, said the maximum amount for any individual airport on an annual basis is 10 percent of what is in the Aviation Fund.

She noted that over the past two years, the fund hovered around \$20 million, which meant each individual airport could compete for \$2 million.

“The airports compete for these funds, based upon the types of projects that they are going after. Priority is always given to the projects that have do with aviation safety,” Nystrom said.

Aviation fuel and aircraft registration fees imposed upon pilots who register their aircraft in Arizona are the sources of funding.

“It is totally funded by the users, there is no taxpayer funding that’s included in (the Aviation Fund),” she said.

Pilots on the reservation have been contributing to the fund every year, but the original legislation did not include Native American-owned airports in the language.

Representative Jamescita Peshlakai (D-Dist. 7) said Arizona is the ancestral homeland of 22 tribes, 14 of which own airports.

“Most were funded in full by tribal nations and have never been funded by the state, yet all manner of its operating and creation have contributed and continue to contribute to state revenues,” Peshlakai said.

As SB 1317 made its way through the State Legislature, she said the Transportation Committee questioned why the provision to include Indian airports wasn’t already in the statutes.

“Native Americans have a complex history with government and specifically, here in Arizona,” Peshlakai said.

Citing the heroics of the Navajo Code Talkers that made victory possible for the Allied Forces to end World War II, she said Native Americans were not recognized as citizens until 1948, illustrating the tenuous relationship between Indians and the government.

“I ask you now, to right this longstanding oversight, basically non-acknowledgement of Native Americans owning airports,” she said.

Peshlakai is also a member of the Veterans Caucus in the House of Representatives and served in the Persian Gulf War. Native Americans contribute to the overall greatness of the country and the state, she added.

She said, “We really need to bring this type of infrastructure to our nations because we are a destination point: Grand Canyon, Monument Valley, etc.”

SEE SB 1317 on page 16



# Senate Bill 600

Special fuel surtax proposed to fund Highway 491 construction



Senator John Pinto and NDOT Director Paulson Chaco report on Senate Bill 600 before the New Mexico Senate Corporations and Transportation Committee on March 3, 2013. The bill proposes a special fuel surtax to fund construction of U.S. Highway 491.



Sen. Pinto said the Navajo people didn't hesitate to set aside land for the right-of-way that made U.S. Highway 491 a main thoroughfare for northern N.M.



Sen. Phil Griego, chairman of the New Mexico Senate Corporations and Transportation Committee, forwarded Senate Bill 600 to the Finance Committee with a "no rec," because he didn't want to hold up Sen. Pinto's bill from passage through the N.M. State Legislature.



Sen. Pinto's office has been open to Native Americans since he was first elected into office in 1977. Pinto is working to finish U.S. 491 construction.

# Commission declares emergency on U.S. 89 closure

WINDOW ROCK-The Navajo Nation Commission on Emergency Management (CEM) convened at the Navajo Transportation Complex on Feb. 22 to discuss the collapsed roadway on U.S. 89, approximately 25 miles south of Page.

The roadway collapse was likely the result of a geologic slump on Feb. 20, at 5:09 a.m.

Taft Blackhorse, manager of the Navajo Division of Transportation Department of Project Management, said the road damage was the result of a slump. His educational background in geology led to this conclusion, he said.

"I don't think it was a small earthquake or tremor. It appears to have been loose soil that eventually eroded, commonly known as a slump," Blackhorse said.

According to the U.S. Geologic Survey, a slump occurs on hillsides that have a thick cover of loose, rocky debris, commonly taking place after heavy rains saturate the ground.

Regardless of the cause, several Navajo chapters have been affected by the road closure and the commission cited concerns ranging from the transport of school kids and emergency medical service response.

NDOT Director Paulson Chaco is working with the Bureau of Indian Affairs and Coconino County to ensure maintenance of alternate dirt roads for the influx of travelers in the area.

"We have NDOT crews working with the BIA to complete blading activities and to assist with setting up electronic message boards to alert motorists of the road closure," he said.

U.S. 89 is closed from mile

post 544.50 to mile post 524.

The Arizona Department of Transportation has detoured traffic at U.S. 89A to State Road 98 and on to U.S. 160 for travelers headed to Page.

Commission chairman Herman Shorty said the primary concern of the CEM is assistance for Navajo communities affected by the closure.

"We are asking for consideration that a state of emergency be declared," Shorty said.

The commission drafted an emergency declaration and is awaiting signature approval from Navajo Nation President Ben Shelly.

Navajo Nation Department of Emergency Management Director Rose Whitehair said NDOT and the BIA Department of Roads have placed signage indicating "No Thru Traffic" and "No Trucks" for entrances on N20 and other dirt roads near U.S. 89.

A semi tractor trailer truck was stuck on N20 from an attempt to detour around the closed road.

NDOT Principal Civil Engineer Darryl Bradley said N20 and other dirt roads in the area are not conducive to heavy truck traffic because of sandy conditions and patches of rough road.

"ADOT conducted a feasibility study to use N20 as a new alignment for a state road that would basically remove U.S. 89 off of their inventory," Bradley said. "I guess it was cost prohibitive, so it never went any further than that."

Presently, NDOT and the BIA are looking at paving N20, the 28 mile stretch of dirt road from LeChee to Gap, which is estimated to cost at least \$50 million. Plans are to tackle this task in phases.

Sgt. Leonard Williams, a Navajo Police officer with the



*The Navajo Nation Commission on Emergency Management convened on Feb. 22 to declare an emergency on the dry slide that occurred on U.S. 89. The committee issued the declaration that was subsequently signed by President Ben Shelly at the Bodaway-Gap Chapter on Feb. 24.*

Tuba City District said ADOT is maintaining traffic control near the damaged roadway.

"ADOT has closed off traffic on the north and south ends," Williams said. "They estimated the road will be closed for at least two months before it's repaired."

He shared photos of the damaged road with the commission and noted ADOT has declined assistance from Navajo Nation law enforcement.

Despite this, Navajo Police are keeping a presence in the area.

NDOT and the BIA are working with Coconino County to maintain nearby BIA and county roads in anticipation of

increased traffic.

The BIA has completed blading activities on N6210, 6211 and N201.

Coconino County is maintaining N21, which stretches 28 miles from Kaibeto to Gap. Currently, 4.5 miles of that road is under construction from Tonalea to Kaibeto.

NDOT road crews are on standby in the western agency for possible assistance with roads in the area. They are also erecting signs in the area.

Information:  
[www.navajodot.org](http://www.navajodot.org)



# Navajo Nation Geospatial Summit

Chapters and departments learn technological innovations



*The Navajo Nation Geospatial Summit hosted by Navajo Division of Transportation and AeroMetric, brought in a large crowd of people from various tribal divisions, departments and chapters. Presenters showed how technology can make a difference in accurate data for infrastructure development, mapping and other real world applications.*

TSE BONITO, N.M.-The Navajo Nation Geospatial Summit brought in chapter officials, tribal departments, divisions, and people interested in learning about the use of geospatial technology and data to plan, manage and inform on infrastructure and other critical activities.

The summit took place on April 3 at the Navajo Transportation Complex. Hosted by the Navajo Division of Transportation and AeroMetric, the one-day session was packed full of useful information.

AeroMetric is a full-service geospatial solutions company serving the needs of government and private clients across North America, with headquarters in Sheboygan, Wisc.

The company is staffed with about 300 professionals specializing in all aspects of geospatial services and technologies from satellite, airborne and mobile acquisition, light imaging detection and ranging, photogrammetric mapping, and enterprise geographic information systems.

"AeroMetric has been involved with the Navajo Nation since the mid-2000s, when we started talking about the possibility of creating complete orthophoto coverage for the Navajo Nation," said Antonio Montoya, vice president of marketing.

Montoya said those talks culminated in the development of the 2011 orthophoto and digital terrain model for

the Navajo Housing Authority. Orthophoto is an aerial photograph geometrically corrected such that the scale is uniform and having the same lack of distortion as a map.

AeroMetrics project entitled, "Creating an On-Target Geospatial Foundation for the Navajo Housing Authority" won the MAPPS Geospatial Services Excellence Grand Award on Nov. 12, 2012.

MAPPS is an association of photogrammetry, mapping, and geospatial firms.

Montoya said geospatial technology is quickly moving into the mainstream due to underlying trends of information technology. He said one such example is mobile technology and its use in smart phones or

car navigation systems.

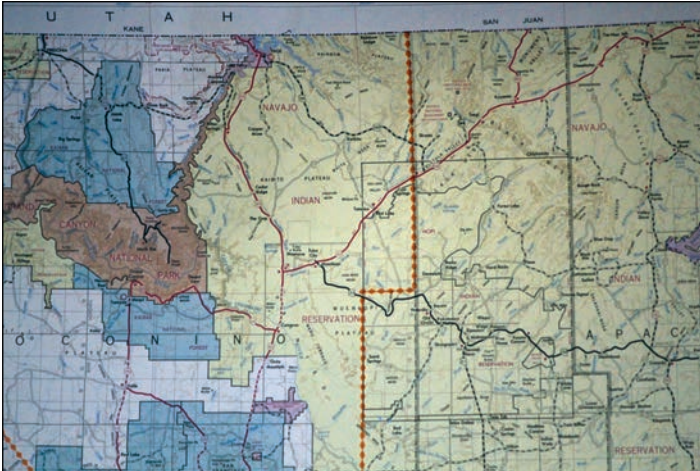
"Easy-to-use mobile devices, paired with widely available geospatial data is a trend that will only continue to grow and benefit not only casual users but also infrastructure maintenance crews, law enforcement, emergency responders and many others," Montoya said.

He said the summit was a great opportunity for all those interested in the continued growth of the Navajo Nation, its infrastructure and services.

Information:  
[www.aerometric.com](http://www.aerometric.com)



# Tribal officials and ADOT gather for stakeholders meeting



An ADOT map detailing the area of the road closure on U.S. 89 was shared with stakeholders on Feb. 27, 2013, in Flagstaff. Navajo Route 20 is also shown on this map of northern Arizona.



Coconino County Supervisor Lena Fowler makes a point about the detrimental affect of the road closure on U.S. 89 on her constituents, especially those who depend on the tourism to provide economic development.



NDOT Director Paulson Chaco shares concerns from the Navajo Nation regarding the road closure on U.S. 89 and its affect on chapters in the area.



Thomas Deitering, field operations team leader for the Arizona Federal Aid Division of the Federal Highway Administration, said the purpose of the emergency relief funding was strictly for restoration of essential traffic and did not include new improvements for proposed detours.



Robert Samour, senior deputy state engineer for ADOT, holds a copy of the feasibility assessment of N20, which was conducted in 2006. ADOT is proposing the paving of the existing alignment on N20 to serve as an interim detour to restore essential traffic from U.S. 89.



# Sen. Pinto sponsors SB 600 to fund U.S. 491 construction

SANTA FE-Senator John Pinto (D-Dist. 3) reported before the New Mexico Senate Corporations and Transportation Committee on March 3. Joining Pinto was Paulson Chaco, director of the Navajo Division of Transportation.

Senate Bill 600 proposes a one-cent special fuel surtax to fund the completion of the four-lane highway on U.S. 491, stretching from Gallup to Shiprock.

A total of 42.9 miles of road construction has been completed, from Shiprock to Sheep Springs. A total of 26.1 miles remain to be improved on the corridor from Sheep Springs to Twin Lakes.

"I am making an appropriation to create the Highway 491 Project Fund and authorize the issuance of state highway bonds," Pinto said.

Chaco reported that Sen. Pinto has been working for over 20 years for roadway improvements on Highway 491, which was named one of the most dangerous roads in New Mexico.

"The road has produced positives for the Navajo Nation, as well as the Four Corners region and the State of New Mexico," Chaco said.

He noted that in addition to increased corridor capacity, the major improvement from the road construction has been safety.

NDOT statistics from 1999 to 2012 show that motor vehicle crashes from milepost 47 to milepost 85 (N13 Junction to Sheep Springs) on U.S. 491 peaked at 70 crashes in 2001. In 2012, that figure dropped to 24 crashes, substantially less than previous years, due to the new four-lane highway.

Injury accidents on U.S. 491 indicate a peak in 2002, when 41 people were hurt in vehicle accidents. That figure

dropped in 2012 to 13 injuries, resulting from the new highway conditions.

In 2001, fatalities on U.S. 491 reached a peak of 11 deaths from vehicle accidents. That number dropped to one fatality in 2012, again attributed to the new four-lane highway constructed.

About 26 miles of roadway remain to be constructed at a cost of \$102.9 million.

To date, total investments on U.S. 491 total \$141,545,265. Multiple funding sources for the project include the Navajo Nation, State of New Mexico, and federal funding.

The Navajo Nation invested \$8 million from the Indian Reservation Roads funding for the project.

"Highway 491 provides for regional mobility, which will also provide for economic development for that region, which is probably one of the poorest parts of New Mexico," Chaco said.

Dan Silva, an audience member representing the Associated Contractors of New Mexico, spoke in support of the legislation.

"I support this bill. It would certainly help the statewide infrastructure, it would put people to work and it's something that would benefit the whole State of New Mexico," Silva said.

Sen. Sander Rue (R-Dist. 23) raised concerns about the proposed fuel tax.

"Why are we doing it this way? Why isn't this road in the queue for roadwork that needs to be done," Rue questioned.

Chaco explained that U.S. 491 is a federal aid system road within the state and that although it is on the state's priority list, it wasn't selected for funding.

He noted that \$365 million

in state road projects for FY 2013 were funded for District 1, which was allocated \$32.6 million; District 2 was allocated \$81.8 million; and District 3, which was allocated \$154.2 million.

"Unfortunately, U.S. 491 is not one of those projects that's in the queue and we don't see it in the state process as anything to be funded in the near future," Chaco said.

The U.S. 491 road project was submitted for stimulus consideration under the Transportation Investment Generating Economic Recovery grant, but was not selected for the state proposal, he said.

In addition to the TIGER grant, Sen. Pinto said he's been lobbying congressional delegations for assistance, but the federal government does not have enough funding to assist.

"This is everybody's road," Pinto said. "Public school buses use this road. Eighteen-wheelers use this road, bumper-to-bumper from Gallup to Shiprock to Colorado."

Sen. Rue compared the project to his efforts in Bernalillo County with construction on Paseo del Norte and I-25. He asked why multiple funding sources couldn't be employed, just as his district did with the aid of federal, state, county and city funds.

"Unfortunately for the Navajo Nation, we don't have the luxury of a tax base to rely on, as far as funding infrastructure development," Chaco said.

He explained that the Navajo Nation receives approximately \$55 million per year from the Federal Highway Administration to cover 11,000 miles of road on the 27,000 square miles of the reservation.

"I'm going to support this. I understand what you're saying," Rue said.

Vice Chairman Clemente

Sanchez (D-Dist. 30) said he supported the legislation because the road needs to be completed due to dangerous conditions.

"I don't really like taxes, but I think this is one time that we need it. It is a heavily traveled road," Sanchez said.

Sen. Mark Moores (D-Dist. 21) asked if the surtax would only apply to gas stations on tribal and pueblo lands.

Chaco said that it would be a tax for the entire state and tribal taxation would have to be discussed with the Navajo Nation Council. He added that he did not speak for the Pueblos of New Mexico.

Using the completion of State Road 285 as an example, Chaco noted that 217 miles of road was funded by the state without matching contributions from counties and municipalities in the area.

"It's not a Navajo Nation road or a Pueblo road. It's a state road that we're trying to get improved," he said.

Sen. John Sapien (D-Dist. 9) asked if the legislation had a sunset provision.

Given the questions regarding the tribal fuel tax match and sunset provisions, Chairman Phil Griego (D-Dist. 39) said he was concerned that participation from the Indian nation wasn't included.

"Even though 491 is a state road, it also affects the Navajo Nation," Griego said. "I don't want to hold your bill up senator, so I'm going to ask (the committee) to sent it on to the Finance Committee with a no rec."

Sen. Pinto responded, "This U.S. 491, the Navajo Nation gave us the right of way. Nobody opposed it for the land to be used. That's wonderful, thanks to God for them."

Information:  
[www.navajodot.org](http://www.navajodot.org)

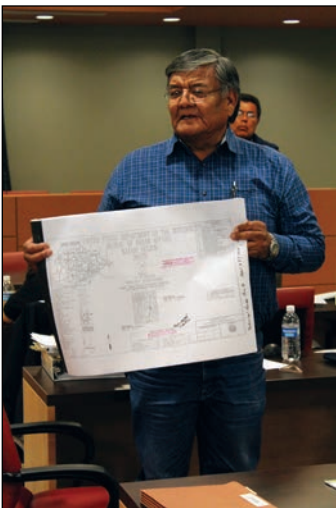


# N20 interim detour route

## ADOT meets with tribal officials at Navajo Transportation Complex



Officials from ADOT, BIA, Coconino County, FHWA and NDOT gathered at the Navajo Transportation Complex on March 4, 2013, to discuss the potential paving of Navajo Route 20 as an interim detour to restore essential traffic from U.S. 89. Chapter officials from Coppermine were also in attendance.



Floyd Stevens, president of Coppermine Chapter, holds a feasibility study of N20, which was conducted by Pacific Western Technologies, LTD. Stevens said his chapter supports the paving of N20 100 percent.



NDOT Principal Civil Engineer Darryl Bradley conducted the meeting regarding N20 and shared concerns from NDOT and the BIA regarding drainage and fencing of the roadway due to the open range status.



Dallas Hammit, deputy state engineer for ADOT, said the strict funding requirements of the FHWA would only allow for the paving of the existing alignment on N20. He also said it must be completed in a short amount of time.



Rose Whitehair, department manager for the Navajo Nation Dept of Emergency Management, said she has been in close contact with ADOT since the road damage occurred on Feb. 20, 2013, especially for emergency response.



# 'Beginning of a new era'

## Western Navajo Diné Justice Center opens in grand style

TUBA CITY-Hundreds of people gathered on Feb. 15, 2013, to celebrate a much-needed facility in the community of Tuba City.

The Western Navajo Diné Justice Center's grand opening ceremony brought in tribal officials, police officers, state administrators, and community members.

Festivities began with a traditional early morning blessing of the facility by Navajo Nation Vice President Rex Lee Jim.

The sprawling 144,000 square foot complex features a district court, peacemaking program, law enforcement headquarters, prosecutor's office, training facility, and a 132-bed detention center.

Constructed at a cost of \$57.5 million, the new center is one of 14 planned justice centers on the Navajo Nation.

In 2009, \$74 million in American Recovery and Reinvestment Act funds was allocated to the Navajo Nation to construct the justice centers. The new facility in Tuba City is the largest ARRA-funded project throughout Indian Country.

"We are truly blessed to have a collaborative effort in making this dream of a safer community by enhancing our public safety with a state-of-the-art facility," said Gerald Keetso, president of To' Nanees' Dizi Chapter.

Ticking off three locations, Keetso shared a brief history of all the police department locations during his life-long residency in Tuba City.

Serving as master of ceremony was former chairman Peter McDonald. He joked with the audience before introducing guest speakers.

He was especially moved

by the performance of two students from Tuba City Boarding School, during their singing of the Flag Song and National Anthem in Navajo.

"It's even better than Beyonce singing in the Super Bowl," McDonald quipped.

Navajo Nation President Ben Shelly addressed the audience and said the work of the Navajo Police officer is a hard role to fill, especially with the dangers involved on the job.

Shelly said incarcerating criminals is not enough, that it must be balanced with counseling to prevent future crimes and recidivism.

He said he served as a Navajo Police officer and as a state trooper during his career.

"Today is a great day for the Navajo Nation. We're beginning a new era of public safety," Shelly said. "It's a new day."

We are taking a huge step for our future because along with the judicial parts of this complex, we have an area for our young people who need extra guidance, he said.

Vice President Jim spoke next.

"If we teach and raise our kids right, we wouldn't be standing here before you today saying we are opening a new jail," Lee said in Navajo.

He lauded the efforts of the previous Navajo Nation Council and the former Judiciary Committee, for requesting a one percent sales tax increase to fund seed money for the facility.

Eventually, ARRA funding and a loan from Key Bank helped make the dream of a new judicial complex a reality.

"This is one of those projects where the Executive Branch, the Legislative Branch SEE Diné on page 15



Hopi Chairman Leroy N. Shingoitewa stands with Navajo Nation Council Delegate Joshua Lavar Butler during the grand opening celebration of the justice complex.



The new complex includes a training center and facilities for the department of corrections.



The Navajo Peacemaking Program also has office space at the new complex, along with probation and parole services.



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#### **VISION**

To preserve and enhance  
transportation throughout  
Dine' bi Keyah.

#### **MISSION**

To serve the Navajo Nation  
by providing a safe transportation  
infrastructure through innovation  
and partnerships.



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## **U.S. 89 ROAD CLOSURE AND N20 INTERIM DETOUR ROUTE CHRONOLOGY OF EVENTS**

- On Feb. 20, 2013, the Arizona Department of Transportation closed U.S. 89 due to road damage between milepost 544.50 to milepost 524. ADOT instructed motorists to use the detour east to U.S. 160 to State Road 98 north into Page.

- On Feb. 22, 2013, the Navajo Nation Commission on Emergency Management convened at the Navajo Transportation Complex in Tse Bonito, N.M. and declared an emergency due to the damaged roadway and its affect on Navajo residents in the area. The commission cited concerns with school bus transportation, emergency medical services, and general transportation into Page for Navajo residents working there.

- On Feb. 24, 2013, Navajo Nation President Ben Shelly and Vice President Rex Lee Jim met with community members at Bodaway-Gap Chapter and toured the damaged roadway 25 miles south of Page. President Shelly signed the Navajo Nation emergency declaration.

- On Feb. 27, 2013, ADOT hosted a meeting at their Flagstaff district office to discuss the road closure and potential alternate detour route through Navajo Route 20. Officials from NDOT, BIA, Coconino County, and Federal Highway Administration were in attendance. ADOT reported two waves of pavement settlement and soil shifting down the mountain into the valley about 1,200 feet. They also said there were some cracks as deep as 30-feet and fenced off the site of the damaged roadway for safety purposes.

- On March 4, 2013, officials from NDOT, ADOT, BIA, Coconino County, and FHWA convened at the Navajo Transportation Complex to discuss paving N20 as an interim detour route. ADOT reported the slip was 500-feet on top of the roadway and ¼ mile deep at the base of the hill. The FHWA employed the quick release of funding in the amount of \$2 million for ADOT to begin work on repairing U.S. 89. ADOT also began work on a Joint Powers Agreement with NDOT and the BIA for paving N20 as a detour route, sticking to the existing alignment. Resolutions of support were submitted from Bodaway-Gap, Coppermine, and LeChee Chapters.

- On March 25, 2013, ADOT hosted a meeting at their Holbrook office to discuss required permitting for paving activities to begin on N20. NDOT and BIA officials shared requirements for the temporary easement application process, as well as the right-of-way process. NDOT shared concerns with the detour route improvements in the areas of detour design standards, speed, traffic volume, commercial truck traffic, drainage, livestock provisions, updating the 2006 environmental assessment (including biological evaluation), cultural resource survey, and responsibility and liability of the N20 detour route until U.S. 89 is reopened. A timeline was agreed upon for construction to potentially begin in May 2013.

- On April 1, 2013, ADOT met with officials at the Bodaway-Gap Chapter as part of their public outreach efforts to keep affected communities informed. Officials from NDOT, BIA, Coconino County, FHWA, and local chapters discussed the issues surrounding the construction of a temporary detour route on N20. Community members voiced concerns about the need for maintenance on N20 at present time, due to washboard conditions and potholes in the roadway. Local school transportation concerns were also shared because of damaged buses and the lengthy timeframe required to get kids to school. NDOT shared information about the two-weeks on, two-weeks off rotating schedule for road maintenance on N20 between BIA and NDOT road department crews.



# Diné Justice Center opens in Western Navajo Agency



Left, the 132-bed teen and adult detention center is housed in a four-story building. Right, signage off Main Street welcomes visitors to the Diné Justice Center.



Navajo Nation President Ben Shelly prepares for the ribbon cutting ceremony alongside Tuba City Chapter President Gerald Keetso and Associate Chief Justice Eleanor Shirley.



Left, the Navajo Police Department is also housed at the sprawling complex of the Western Navajo Diné Justice Center. Right, the district court of the Navajo Nation Judicial Branch is also a part of the complex.



Left, the color guard, comprised of Navajo Police officers, prepares to start the grand opening celebration to a packed audience of community members, tribal officials and state representatives. Right, Gerald Keetso provides the welcome address.



Navajo Nation Vice President Rex Lee Jim said the seed for the new Justice Center was planted by the committees of the former Navajo Nation Council. He said the efforts of Kee Allen Begay and others brought the necessary vision to make the new complex a reality, especially after many detractors said the pursuit of such a facility was only a pipe dream that would never come true.



# NDOT enters into MOU with San Juan County



*Navajo Division of Transportation Director Paulson Chaco reports to the San Juan County Commission for renewal of a memorandum of understanding between NDOT and San Juan County for road maintenance and construction projects on the Navajo Nation.*

AZTEC, N.M.-During the Feb. 5, 2013 regular meeting of the San Juan County Commission, a memorandum of understanding between the Navajo Division of Transportation and the county was unanimously approved.

The MOU provides the framework for both governments to craft intergovernmental agreements to provide road maintenance and construction projects on the Navajo Nation.

San Juan County Public Works administrator Dave Keck said the previous MOU with NDOT expired in Dec. 2012.

"This MOU establishes a framework and workgroup that will look at potential transportation projects on the reservation, as well as off the reservation," Keck said.

He spoke of the previous collaborations between the county and NDOT, specifically the chip sealing of County Road 7750 in the Lake Valley area. NDOT contributed \$800,000 for the project.

"We are looking at channeling some BIA, what's called Indian Reservation Roads funds, through the Navajo DOT," Keck said. "It looks like we'll be getting \$1.5 million up front for the replacement of the 'Military Bridge' in the Huerfano area, on County Road 7150."

Conversely, he said the county would assist NDOT with acquiring aggregate road base material outside the reservation for projects on the Navajo Nation.

"We've located an aggregate source in Kirtland that would utilize our (rock) crushing contract," Keck said.

The county plans to haul the crushed material onto the reservation and stockpile different sized rocks for road maintenance activities for chapters in the eastern and northern agencies.

NDOT Director Paulson Chaco said the Navajo Nation has worked with San Juan County for the execution of intergovernmental agreements that resulted in projects benefiting both the Navajo Nation and county.

"I worked with Dave in the past and I know how hard he works for our constituents," Chaco said. "We confirm that the Navajo Nation will contribute \$1.5 million for a county bridge on the reservation that serves the community of Huerfano."

He noted that any specific projects between both governments would go through the intergovernmental agreement process, to ensure both parties approved project-specific work.

NDOT's request to use the county's rock crushing capabilities would be for chapter projects located within San Juan County.

"(Partnerships) is also one of the platforms of Navajo Nation President Ben Shelly and he is very supportive of this legislation," Chaco said.

County commissioner Glo-Jean Todacheene commended NDOT on their fleet of advanced equipment and said working together was the key.

"I hope this MOU will do a great collaboration so we can get these roads fixed," Todacheene said.

County commissioner Margaret McDaniel agreed with her colleague and said she held vested interest in the MOU because most of the proposed activities are in her district.

"Anytime that we can work together for the benefit of all the citizens, that's a really good thing. This is important for all of us and I'm really anxious to work together on this," McDaniel said.

## RDC requests follow-up meeting with ADOT, NDOT

*Continued from page 3*

executive order for SAS 164 reviewers to meet and approve the package on April 23, so the five-day public review can begin immediately.

RDC approval and President Shelly's signature would complete the process and lead to ADOT's paving activities to begin May 1.

Delegate Leonard Pete (Chinle) had concerns with the cost of the construction and NDOT's request to utilize Fuel Excise Tax funds to contribute toward the project.

"What I'd like to see is a breakdown of these costs, who's going to do what and who is committing how much money," Pete said. "I'd like to see that so we can move on this thing fast, that's the only way it will work."

Chairwoman Katherine Benally (Chilchinbeto, Dennehotso, Kayenta) geared her questions toward ADOT.

"I was very angry when I heard that people in Kanab and Richfield and Page and Fredonia were notified and given apology letters from federal highway and state highway that now their lives are going to be interrupted," Benally said. "Their economies are going to be interrupted."

"Yet that same consideration wasn't afforded my people. That's wrong," she added.

She said community members in the area of N20 depend on livestock for their livelihood and the lack of fencing in the project was negligible.

"Perhaps it's just wise to close N20 all together. And I guess that would disqualify the Navajo Nation for emergency funds if we do that," Benally said.

She added that she would not stand in support of any contract, emergency or not, if Navajo labor wasn't used to build the road.

Dallas Hammit, deputy state engineer for ADOT, responded that they have an office in Page as part of their outreach efforts.

ADOT public relations is traveling the area and meeting with chapters at least one day a week, he added.

"We're learning the process," Hammit said.

Senior ADOT officials would be in attendance at the chapter presentations, he noted, and flyers were also being distributed.

"Those will be printed in English and we are working with a linguist that can translate that into Navajo," he said.

He said the use of Navajo labor would definitely be a part of the contract.

ADOT is working with FHWA to fence isolated areas of the roadway where cattle are present, Hammit said, adding that ADOT might also include adding water tanks for livestock on the opposite side of the road to address wandering livestock.

"Once we have all the permits in place, we will have paving done between 60 and 90 days," he said. "If that contractor teams with someone else, they can put two paving spreads out there so they can get the work done that much faster."

Summarizing the work thus far, Chaco said, "When we first ventured into working with the N20 project, both the BIA and Navajo Nation, we're walking a fine line in the development."

The committee accepted the report by a vote of 4-0.

## Diné Justice Center opens

*Continued from page 11*

and the Judicial Branch, putting politics aside, worked together," Jim said.

He added, "When you work on big projects like this and people are committed, we can cross the street, shake hands and work together."

Speaker Johnny Naize thanked the committees of the 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> Navajo Nation Council for moving legislation forward to build the facility.

There was a lot of discussion that took place and there was a big struggle, he recalled. Every delegate wanted their own complex in their own chapter, he said.

From such challenges came opportunity.

"It started out with just one cent and look what it got us," Naize said.

He thanked the Navajo Police for fulfilling their civic duty to watch over the Navajo people and lamented the loss of Sgt. Darrell Curley, a 26-year veteran of the police force who died in the line of duty in 2011.

Associate Chief Justice Eleanor Shirley said the dedication of the multimillion-dollar complex would not have been possible without the community involvement.

"I know our staff had to work under these conditions that pose health and safety hazards," Shirley said. "Our old facility was shifting and it was causing stress cracks in the walls."

She recalled that when it rained, water would stream into the building and the courthouse would have a strong, musty odor.

Subsequently, the Office of Environmental Health condemned the building.

Despite such challenges, Shirley said the Navajo Nation

court system has become the largest Indian nation court system within the U.S.

"Our court system is unique because we have a traditional dispute resolution process that we call Peacemaking," she said. "It's a non-adversarial approach to address conflicts within families and it's based in Fundamental Law to restore harmony in families."

"We consider this to be the cornerstone of our existence," Shirley added.

U.S. Attorney for the District of Arizona, John Leonardo, delivered the keynote address.

He said the new facility represents what can be accomplished when the Navajo Nation and the federal government work together to address public safety.

"The Tuba City multi-purpose Justice Center will provide badly needed detention space that will allow your government to keep dangerous offenders out of your community," Leonardo said.

A ribbon cutting ceremony followed and Division of Public Safety Director John Billison gave the closing remarks.

"It takes teamwork to pull this off," Billison said.

He said it is the power of the voters that is the true force behind successful projects like the new complex, and that voters must hold elected officials accountable.

"The true power resides in each and every one of you as voters," he said.

Council delegate Joshua Lavar Butler gave the closing benediction before lunch was served to conclude the celebration for the new facility.



# SB 1317 aids tribal airports



The Window Rock Airport features maps and clocks of the various time zones. The airport would be one of four Navajo Nation airports that would be able to compete for the Arizona Aviation Fund, to assist with needed airport improvements.

## Continued from page 4

Arlando Teller, program manager for Navajo Division of

Transportation's Department of Airport Management, spoke of tribes taking advantage of multimodal transportation and its positive impact on Indian nations.

"The Navajo Nation is no exception. We are taking advantage of improving our roads, improving rail and goods movement, and also trying to improve our airports infrastructure," Teller said.

He said the Navajo Nation owns seven airports, four of which are located in Arizona. The Navajo airports in Arizona have been funded by the tribe and the Federal Aviation Administration.

"All we're asking for is that we have a fair share to compete with our aviation neighbors, like Falcon Field Airport and Sky Harbor," Teller said. "We're willing to compete and we want a seat at the table."

NDOT Director Paulson Chaco said he supports the bill simply to improve the safety of the traveling public.

"The bill will also provide regional mobility for the northern part of the State of Arizona and create some collaboration and partnership with the State," Chaco said.

He said NDOT is currently collaborating with the Arizona Department of Transportation regarding the road closure on U.S. 89 and potential paving of Navajo Route 20 as an interim detour route.

That particular effort is a prime example of how serious the Navajo Nation takes mobility within the state, he noted.

"This is just another step in that direction," Chaco said.

Eric Descheenie, representing the Navajo County Board of Supervisors, read a letter of support from the board into the record.

The NCBOS stated they supported the efforts of NDOT and Sen. Jackson in passing SB 1317 to allow Arizona tribes to participate in the Aviation Fund.

The committee passed SB 1317 with a vote of 11-0.

Information: [www.navajodot.org](http://www.navajodot.org)

# Bodaway-Gap report

Continued from front page paving efforts for N20.

"I wanted to share some of the challenges, show you where we are and where we think we're going," Samour said.

He explained the slope failure of Feb. 20 resulted in a five-foot drop on the pavement and 500-feet of roadway movement. Additionally, the pavement separated and created large gaps with cracking near the shoulder of the red rock formation, he said.

Switching gears to N20 as a potential interim detour route, Samour said the first step would be geotechnical collection and the second step is restoration of essential traffic.

Samour said, "We believe that N20 provides an opportunity, if we can come to an agreement of the actual scope of that project. Paving N20, the approximately 27 miles of dirt road, we believe would help relieve the current 100 mile detour that's in place."

He stressed site security at U.S. 89 and said safety is paramount, meaning no pedestrians and no public access. He said there have been six breaches of security and that somebody cut down the fences at both ends of the project, sometime between Mar. 30 and 31.

Emergency access is available through the site for first responders like ambulances, fire department and police. Members of the community have tried to access the roadway stating they have an emergency, which is unacceptable.

Geverne Begay, vice president for Bodaway-Gap, shared concerns about the hiring of workers to pave N20.

She asked, "Would our Navajo people here have first

preference?"

Begay also mentioned concerns about the public outreach efforts and asked if an office could be established at one of the community chapters, including a liaison familiar with the communities.

Samour said ADOT would have Tribal Employment Rights Office specifications as a part of their contract "to hire a certain percentage of tribal members."

"We need to do a better job of getting out," Samour said. "I apologize if anyone feels that outreach hasn't been adequate up-to-date."

Responding to concerns about fencing, he said as the scope of work increased, it moves the project away from an interim repair to an ultimate project and ineligibility for relief funding from the FHWA.

Ammon Heier, area engineer for the FHWA, said as an emergency relief project, the paving of N20 would utilize a specific pot of money at the national level, which has stipulations.

"We're fortunate we can pave a road that needs paving. It has to be done as expeditiously as possible," Heier said. "It's a balancing act."

Others spoke of the effects of traveling on N20.

"Our major concern is the condition of N20 right now," said Jim Walker, superintendent of Page Unified School District.

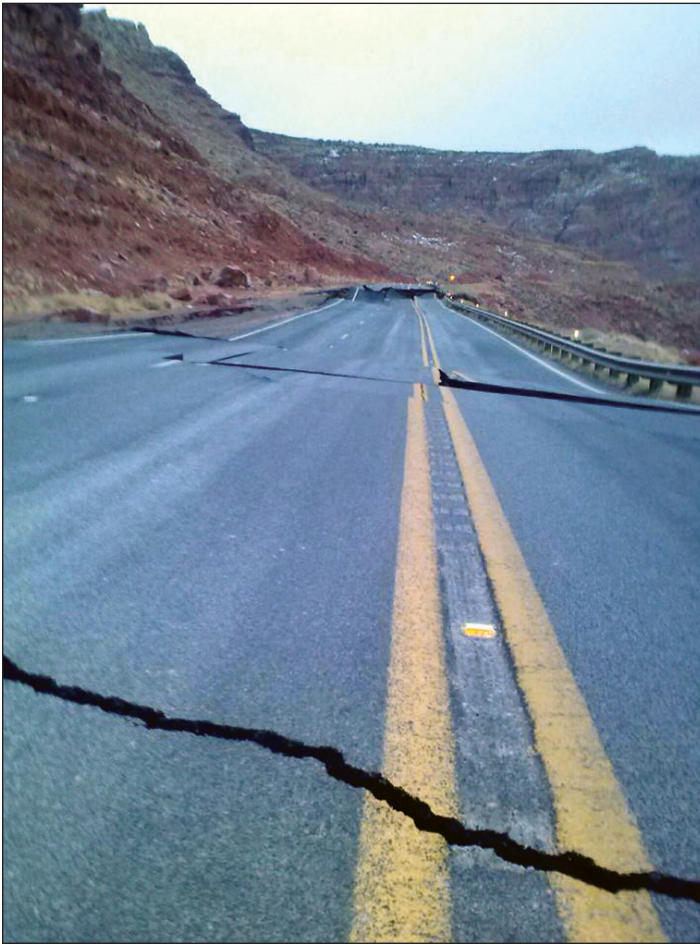
Walker explained that at least 10 buses travel on the 28-mile dirt road to transport 178 kids from the reservation.

"If we don't do a better job maintaining that road, I'm going to have more buses in the repair shop than on the road," Walker said.



# U.S. 89 dry slide results in roadway closure

Photos by Sgt. Williams  
Navajo Police, Tuba City District



U.S. 89 suffered pavement damage and settlement on Feb. 20, 2013. According to the Arizona Department of Transportation, a dry slide occurred around 5:09 a.m., resulting in two vehicle accidents with minor injuries.



The pavement settlement on U.S. 89 is at a height of five-feet, which damaged 500-yards of roadway.



Cracking along the mountainside is evident in this photo. ADOT geotechnical crews are still assessing the slide damage before providing a course of action for repairs on U.S. 89.



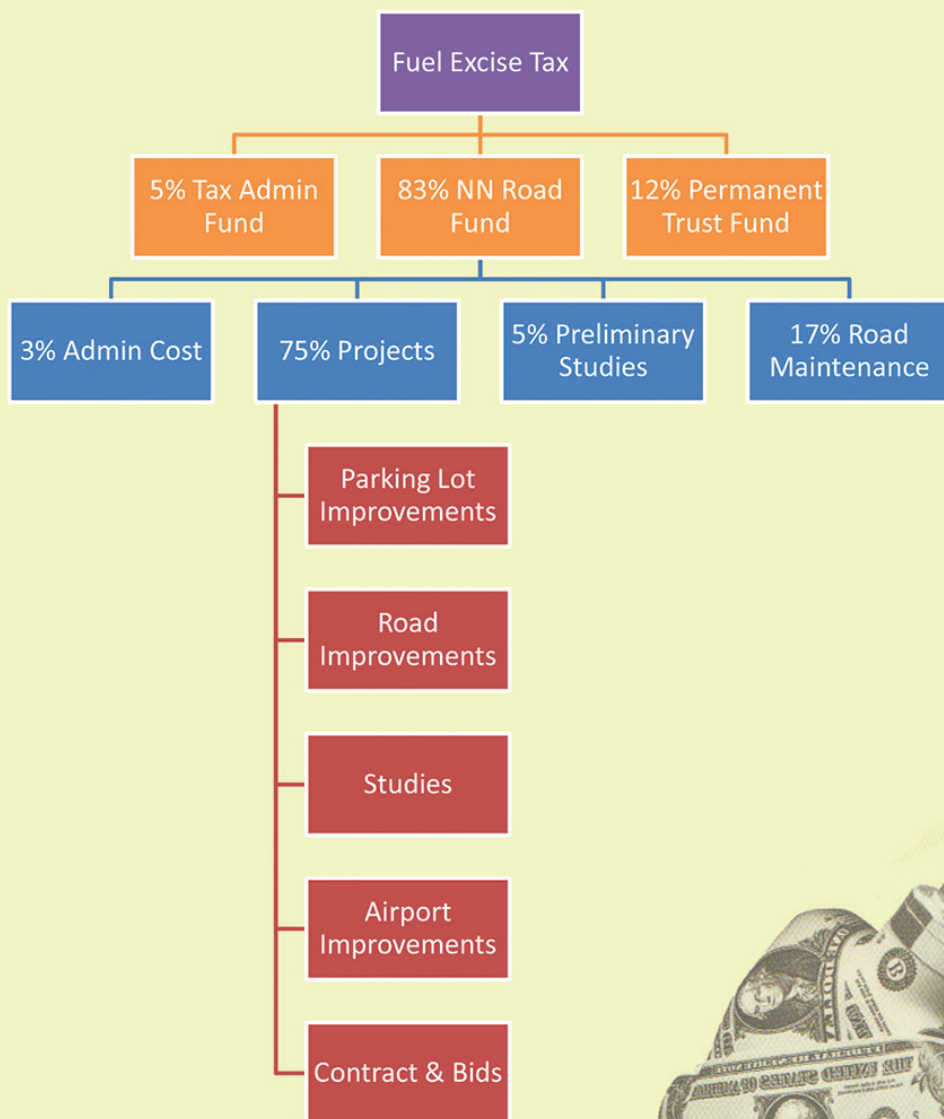
The damaged roadway of U.S. 89 extends five-feet, from pavement-to-pavement settlement. ADOT has recently opened access through the roadway for first responders only, i.e. police, fire department, emergency medical services. Fencing at the north and south end of the roadway has been erected to secure the site.



Cracking alongside the roadway occurred, also running down the base of the hill in a semi-circle pattern, extending out to about 1,200 feet. ADOT officials said the soil shifted down the mountain in both east and west directions. Aerial views of the site showed cracking in the shape of a frown down the hillside.



# WHERE DO YOUR FUEL EXCISE TAX DOLLARS GO?



FET FUNDING AVERAGES \$12 MILLION ANNUALLY.  
THE FUNDS ARE DISTRIBUTED AS FOLLOWS:

State of Arizona - \$4 million  
Permanent Trust Fund - \$2 million  
Fuel Excise Tax - \$3 million  
Road Maintenance - \$3 million

During the Naa'bi'iyati' Committee meeting on March 28, 2013, Navajo DOT was directed to divide the surplus savings of \$13 million in FET funding between all five agencies of the Navajo Nation.

Fuel Excise Tax dollars continue to make a difference in the lives of Navajo people, enriching communities and fostering self-sufficiency for the Navajo Nation to provide infrastructure development.

A few FET projects currently in play are: Standing Rock Chapter Parking Lot, Twin Lakes Governance Center Parking Lot, Many Farms Chapter Parking Lot, Chinle Valley School Parking Lot, Tohatchi Parking Lot, and Window Rock Airport Parking Lot.

There's much more to come.

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